

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
KENNETH MITAN and	:	NOs. 08-760-1
FRANK MITAN	:	08-760-2

ORDER

AND NOW, this 25th day of September, 2009, for the reasons stated in the foregoing Memorandum, it is hereby ORDERED the Motions by Defendants for a Dismissal of the Indictment because of the government's access to the telephone conversations of Kenneth Mitan (Doc. Nos. 331, 340) are DENIED without prejudice to renewal at such time as the government has rested its case in chief.

BY THE COURT:

/s/ Michael M. Baylson

Michael M. Baylson, U.S.D.J.